

Senate Bill 237 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 237 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Spears

Recess

On motion of Senator Brownlee, the Senate, at 12:05 o'clock p. m., took recess until 10:45 o'clock a. m. tomorrow.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the motion to recess.

TWENTY-NINTH DAY

Continued

(Friday, March 5, 1943)

The Senate met at 10:45 o'clock a. m., and was called to order by the President.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senator Hazlewood:

S. B. No. 256, A bill to be entitled "An Act amending Section 3a of Article 695c, entitled the Public Welfare Act of 1939, being S. B. No. 36, as passed by the Regular Session of the Forty-sixth Legislature of the State of Texas, under Chapter 8 of the Revised Civil Statutes of the State of Texas, to provide that the State Board of Public Welfare shall appoint an executive director within ten days from the effective date of this Act who shall serve until January 1, 1945, and shall thereafter appoint an executive director biennially to serve for a term of two years; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 257, A bill to be entitled "An Act to amend Article 212 of Title 5, Chapter 1 of the Code of Criminal Procedure of Texas, 1925, providing that a peace officer may, without warrant, arrest an offender when the offense is committed in his presence or within his view, without the requirement, as embraced in the present statute, that the offense be one classed as a felony, or as an 'offense against the public peace,' repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Reports of Standing Committees

Senator Mauritz, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 200, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,
Austin, Texas,
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred H. B. No. 79, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute attached hereto do pass in lieu thereof and be not printed.

WINFIELD, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 13, A bill to be entitled "An Act to amend Article 2529, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

(With amendments.)

S. B. No. 14, A bill to be entitled "An Act to amend Article 4180, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

(With amendments.)

S. B. No. 15, A bill to be entitled "An Act to amend Article 2560, Revised Civil Statutes of 1925, as there-

after amended; and declaring an emergency."

(With amendments.)

S. B. No. 16, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

(With amendments.)

S. B. No. 17, A bill to be entitled "An Act to amend Article 926, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

(With amendments.)

H. C. R. No. 58, Authorizing correction in H. B. No. 241.

H. C. R. No. 56, Authorizing State of Texas to build a bridge across Brakes Bayou.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Message from the House

Hall of the House of Representatives,
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 20, A bill to be entitled "An Act to regulate the practice of chiropractic in Texas; etc.; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act to amend Section 5 of H. B. No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, as amended by Section 1 of Article XIX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, by eliminating from said Section that particular exemption clause reading: 'wholesale and/or retail lumber and building material businesses engaged exclusively in the sale of lumber and building material,' and adding to said Section an exemption of any wholesale and/or retail lumber and/or building material place of business, provided as such as seventy-five (75) per cent of the gross proceeds of the business done at such place of business is derived from the sale of lumber and/or building material; and declaring an emergency."

S. B. No. 5, A bill to be entitled "An Act to prevent fraud in the sale of agricultural insecticide and fungicide products by providing for the branding or labeling of the products sold under this Act and prohibiting the adulteration, misbranding or misrepresentation of agricultural insecticide and fungicide product; defining certain words, terms; etc.; and declaring an emergency."
(With amendments.)

H. C. R. No. 59, A resolution requesting the War Production Board to approve application for construction of steel plant at Daingerfield, Texas.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 245, A bill to be entitled "An Act granting permission to Eunita Mae Adams, a minor, to bring suit against the State of Texas and/or Highway Department of Texas in a court of competent jurisdiction, in Jones County, Texas, for damages for personal injuries alleged to have been sustained by her while riding in an automobile with her father, Lyle Adams, who was driving said automobile, which said automobile was run into and struck by another automobile owned by the State of Texas and being driven by an employee of the State of Texas, to-wit, W. A. Haynes, on or about the 11th day of July, 1941, at the intersection of two lateral highways in Jones County, Texas, known as the McChristian Road and the road known as the Compress Road; etc.; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act to amend Chapter 88, Section 13, Acts of the Forty-first Legislature, Second Called Session as amended by the Acts of the Forty-third Legislature, Chapter 178, Section 1, to permit the State Highway Department to issue for the 1943, 1944, and 1945 registration years single plate or plates of metal or other materials, symbols, tabs, devices, in connection with or in lieu of the motor vehicle license plate or plates; etc.; and declaring an emergency."

H. B. No. 17, A bill to be entitled "An Act authorizing the State Department of Education to issue State Teachers Certificate to teachers of the deaf or the blind, fixing the requirements for such teachers in both academic and vocational subjects, limiting these teachers with special qualifications to such special schools; etc.; and declaring an emergency."

S. B. No. 4, A bill to be entitled "An Act to amend Article 4706, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

S. B. No. 62, A bill to be entitled "An Act providing for the registration for exclusive use by owners of livestock in this State of tattoo marks; providing for the administration of this Act through the Department of Public Safety; describing the procedure for the registration; providing for the filing of protests; providing for registration fees and the collection thereof; providing for the allocation of such fees to the expense of administering this Act; describing the method of granting or issuing of a certificate of registration for the exclusive use of such registered tattoo marks; providing for the annual renewal thereof; providing for the assignment thereof; fixing violations of this Act and providing penalties therefor; and declaring an emergency."

S. C. R. No. 26, Relating to increase of cotton acreage.

House Concurrent Resolutions Referred

The following concurrent resolutions, previously received from the House, were read and referred to the committees indicated:

H. C. R. No. 56 to Committee on State Affairs.

H. C. R. No. 58, to Committee on State Affairs.

H. C. R. No. 59, to Committee on State Affairs.

House Bills on First Reading

The following House bills, previously received from the House, were read severally first time, and referred to the committees indicated:

H. B. No. 20, to Committee on Public Health.

H. B. No. 10, to Committee on State Affairs.

At Ease

On motion of Senator Moffett, the Senate, at 10:55 o'clock a. m., agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 10:56 o'clock a. m.

Senate Concurrent Resolution 27

By unanimous consent, Senator Metcalfe offered at this time the following resolution:

S. C. R. No. 27, Rescinding resolution providing for joint session to hear Honorable Fulton Lewis, Jr.

Whereas, A joint session of the Legislature has been set by S. C. R. No. 25 for 11:00 a. m. Friday, March 5th, in order to hear an address by the Honorable Fulton Lewis, Jr.; and

Whereas, The weather conditions have prevented Mr. Lewis from reaching Austin on this date; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That S. C. R. No. 25, setting a joint session for this date, be, and the same is hereby rescinded.

The resolution was read.

By unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Adjournment

On motion of Senator Mauritz, the Senate, at 11:00 o'clock a. m., adjourned until 10:00 o'clock a. m., Monday, March 8, 1943.

THIRTIETH DAY

(Monday, March 8, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Graves	Metcalfe
Hazlewood	Moffett
Jones	Moore
Lane	Morris

Ramsey
Shivers
Stone
Sulak

Vick
Weinert
Winfield
York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Thursday, March 4, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Metcalfe.

Senators Formby, Fain, Spears, and Kelley were granted leave of absence for today and indefinitely on account of important business, on motion of Senator Metcalfe.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Aikin:

S. B. No. 258, A bill to be entitled "An Act to amend Article 5436, Revised Civil Statutes of Texas, 1925, by giving authority to the Texas Library and Historical Commission to transfer books and documents to other libraries which are provided for by State appropriations; and to dispose of duplicate books and documents when not needed by the Texas State Library; and declaring an emergency."

To Committee on Education.

By Senator Weinert:

S. B. No. 259, A bill to be entitled "An Act authorizing the State Board of Control to transfer any balance in the support and maintenance fund and in the repairs and improvement fund of any eleemosynary institution in Texas to another, where such funds are not needed in the institution from which either, or both of said funds may be transferred, providing that the Act shall be effective for the current fiscal year and for each fiscal year of the next biennium, authorizing the Comptroller of Public Accounts to make transfer of said sums from one institution to another upon writ-